

Panaji, 20th August, 2009 (Sravana 29, 1931)

SERIES I No. 21

OFFICIAL GAZETTE

GOVERNMENT OF GOA



INDEX

Department	Notification	Subject	Pages
1. Civil Supplies and Consumer Affairs. Director.	DCS/ENF/C.O/SUG/14/142	To amend the Removal of (Licensing Requirement, Stock Limits and Movement Restrictions) on Specified Food Stuffs Order, 2002.	1993
2. Home General Division. Under Secretary.	15/1/87-4D(G)	Amendment /Addendum for Schemes.	1994
3. Law & Judiciary, a. Legal Affairs Division. Under Secretary.	10/1/2009-LA/222	The Code of Criminal Procedure (Amendment) Act, 2008.	1995
b. Establishment Division. Under Secretary.	9-18-2004- -LD (Estt.) Part II	Amendment to Notaries Rules.	2007
4. a. Public Health Under Secretary	35/49/2002-I/PHD	Revision of diet rates to patients.	2008
b. —do— Joint Secretary	48/30/2008-I/PHD	Creation of posts of MPHWS (F) and Patient Attendants.	2009

GOVERNMENT OF GOA

Department of Civil Supplies and
Consumer Affairs

Notification

DCS/ENF/C.O/SUG/14/142

Order bearing No. SO 1621(E) dated 2nd July, 2009 issued by the Ministry of Consumer Affairs, Food and Public Distribution, Government of India published in Part II Sec. 3 (ii) of the Gazette of India (Extraordinary) dated July 2nd, 2009 making orders further to amend the Removal of (Licensing Requirement, Stock Limits and Movement Restrictions) on Specified Foodstuffs, Order

2002 is hereby republished for the general information of the public.

Sunil Masurkar, Director of Civil Supplies & Consumer Affairs ex-officio Joint Secretary.

Panaji, 12th August, 2009.

MINISTRY OF CONSUMER AFFAIRS,
FOOD AND PUBLIC DISTRIBUTION

Department of Consumer Affairs

New Delhi, the 2nd July, 2009.

Order

S. O. 1621(E).— In exercise of the powers conferred by Section 3 of the Essential

Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Removal of (Licensing Requirements, Stock Limits and Movement Restrictions) on Specified Foodstuffs Order, 2002, namely:—

1. (1) This Order may be called the Removal of (Licensing Requirements, Stock Limits and Movement Restrictions) on Specified Foodstuffs (Fifth Amendment) Order, 2009.

(2) It shall come into force on the 9th day of July, 2009.

2. The words and expressions used in respect of purchase, movement, sale, supply, distribution or storage for sale in the Removal of (Licensing Requirements, Stock Limits and Movement Restrictions) on Specified Foodstuffs Order, 2002 shall be kept in abeyance for commodity, namely, Sugar for a further period of six months i.e. up to 8th January, 2010 from the date of commencement of this Order.

3. Nothing contained in this Order shall affect the transport, distribution or disposal of sugar to places outside the State, nor shall it be applicable to import of this commodity:

Provided that the Central Government or State Governments, may direct the importers to declare the receipts of stocks of sugar and stocks retained by them.

4. All other provisions of the Removal of (Licensing Requirements, Stock Limits and Movement Restrictions) on Specified Foodstuffs Order, 2002 shall continue to remain in force even during the period mentioned in clause 2 above.

[F. No. 10/1/2009-ECR & E]
RAKESH KACKER, Addl. Secy.

Note:— The Principal Order was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* G.S.R. 104(E), dated the 15th February, 2002 and subsequently amended *vide* G.S.R. 490(E), dated the 16th June, 2003, S.O. 1373(E) dated the 29th August, 2006, S.O. 297(E) dated the

27th February, 2007, S.O. 1488(E) dated the 31st August, 2007, S.O. 400(E) dated the 28th February, 2008, S.O. 823(E) dated the 7th April, 2008, S.O. 2117(E) dated the 27th August, 2008, S.O. 2118(E) dated the 27th August, 2008, S.O. 2247(E) dated the 22nd September, 2008, S.O. 2248(E) dated the 22nd September, 2008, S.O. 2249(E) dated 22nd September, 2008, S.O. 649(E) dated the 9th March, 2009, S.O. 880(E) dated the 30th March, 2009, S.O. 905(E) dated the 2nd April, 2009 and S.O. 906(E) dated the 2nd April, 2009.

◆◆◆
Department of Home

Home — General Division

—
Amendment/Addendum

15/1/87-HD(G)

- Read: 1. Government Notification No. 15/2/89-HD(G) dated 06-05-1995, published in Official Gazette Series I No. 6 dated 12-05-1995, Scheme for the Administration and Rehabilitation of Ex-Servicemen in the State of Goa.
2. Government Notification No. 15/1/87-HD(G) dated 20-09-2002 published in Official Gazette Series I No. 26 dated 26-09-2002.
3. Government Addendum No. 15/1/87-HD(G) dated 22-03-2006 published in Official Gazette Series I No. 1 dated 06-04-2006.
4. Government Amendment/Addendum No. 15/1/87-HD(G) dated 05-02-2007, published in Official Gazette Series I No. 47 dated 22-02-2007.

In the Notification cited above, sub-clause 6 (vi), (vii), (xi) and (xiv) the existing schemes may be amended as under:—

(vi) Reimbursement of medical expenses for serious diseases like Cancer, Tuberculosis, Renal, Kidney, Spinal Cord, Heart, etc. are provided to Non-pensioner Ex-Servicemen/Non ECHS members only.

(vii) To sanction a sum of Rs. 20,000/- as House Repair Grant to the Ex-Servicemen/ /widows subject to the annual income from all sources are less than Rs. 50,000/-.

(xi) To sanction a lump sum grant of Rs. 5000/- as immediate relief on death of Ex-Servicemen Personnel Below Officer Rank (PBOR) to their spouse irrespective of income criteria.

(xiv) To sanction a sum of Rs. 1000/- per month as pocket money to the Non Pensioner ex-Servicemen who are suffering from Cancer, TB, Leprosy, etc.

The following para may be added after sub clause 6 (XXV):—

(xxvi) The Secretary, Department of Sainik Welfare is empowered to incur expenses relating to celebration of Armed Forces Flag Day, Organizing Ex-Servicemen Contact Programme in various taluka level, reservation of accommodation and hiring of vehicles to the Special Invitees of Ministry of Defence" out of Special Fund.

By order and in the name of the Governor of Goa.

Siddhivinayak S. Naik, Under Secretary (Home).

Porvorim, 13th August, 2009.



Department of Law and Judiciary

Legal Affairs Division

—

Notification

10/1/2009-LA/222

The Code of Criminal Procedure (Amendment) Act, 2008 (Central Act No. 5 of 2009), which has been passed by Parliament and assented to by the President of India on 07-01-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated

09-01-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th July, 2009.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 2008

AN

ACT

further to amend the Code of Criminal Procedure, 1973.

Be it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2008.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

2. *Amendment of section 2.*— In section 2 of the Code of Criminal Procedure, 1973 (hereinafter 2 of 1974. referred to as the principal Act), after clause (w), the following clause shall be inserted, namely:—

“(wa) “victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir;”.

3. *Amendment of section 24.*— In section 24 of the principal Act, in sub-section (8), the following proviso shall be inserted, namely:—

“Provided that the Court may permit the victim to engage an advocate of his choice to assist the prosecution under this sub-section.”.

4. *Amendment of section 26.*— In section 26 of the principal Act, in clause (a), the following proviso shall be inserted, namely:—

“Provided that any offence under section 376 and sections 376A to 376D of the Indian Penal Code shall be tried as far as practicable by a Court presided over by a woman.”.

5. *Amendment of section 41.*— In section 41 of the principal Act,—

(i) in sub-section (1), for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) who commits, in the presence of a police officer, a cognizable offence;

(b) against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years whether with or without fine, if the following conditions are satisfied, namely:—

(i) the police officer has reason to believe on the basis of such complaint, information, or suspicion that such person has committed the said offence;

(ii) the police officer is satisfied that such arrest is necessary—

(a) to prevent such person from committing any further offence; or

(b) for proper investigation of the offence; or

(c) to prevent such person from causing the evidence of the offence to disappear or tampering with such evidence in any manner; or

(d) to prevent such person from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer; or

(e) as unless such person is arrested, his presence in the Court whenever required cannot be ensured,

and the police officer shall record while making such arrest, his reasons in writing.

(ba) against whom credible information has been received that he has committed a cognizable offence punishable with imprisonment for a term which may extend to more than seven years whether with or without fine or with death sentence and the police officer has reason to believe on the basis of that information that such person has committed the said offence;”;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Subject to the provisions of section 42, no person concerned in a non-cognizable offence or against whom a complaint has been made or credible information has been received or reasonable suspicion exists of his having so concerned, shall be arrested except under a warrant or order of a Magistrate.”.

6. *Insertion of new sections 41A, 41B, 41C and 41D.*— After section 41 of the principal Act, the following new sections shall be inserted, namely:—

“41A. *Notice of appearance before police officer.*— (1) The police officer may, in all cases where the arrest of a person is not required under the provisions of sub-

-section (1) of section 41, issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.

(2) Where such a notice is issued to any person, it shall be the duty of that person to comply with the terms of the notice.

(3) Where such person complies and continues to comply with the notice, he shall not be arrested in respect of the offence referred to in the notice unless, for reasons to be recorded, the police officers is of the opinion that he ought to be arrested.

(4) Where such person, at any time, fails to comply with the terms of the notice, it shall be lawful for the police officer to arrest him for the offence mentioned in the notice, subject to such orders as may have been passed in this behalf by a competent Court.

41B. *Procedure of arrest and duties of officer making arrest.*— Every police officer while making an arrest shall—

(a) bear an accurate, visible and clear identification of his name which will facilitate easy identification;

(b) prepare a memorandum of arrest which shall be—

(i) attested by at least one witness, who is a member of the family of the person arrested or a respectable member of the locality where the arrest is made;

(ii) countersigned by the person arrested; and

(c) inform the person arrested, unless the memorandum is attested by a member of his family, that he has a right

to have a relative or a friend named by him to be informed of his arrest.

41C. *Control room at districts.*— (1) The State Government shall establish a police control room—

(a) in every district; and

(b) at State level.

(2) The State Government shall cause to be displayed on the notice board kept outside the control rooms at every district, the names and addresses of the persons arrested and the name and designation of the police officers who made the arrests.

(3) The control room at the Police Headquarters at the State level shall collect from time to time, details about the persons arrested, nature of the offence with which they are charged and maintain a database for the information of the general public.

41D. *Right of arrested person to meet an advocate of his choice during interrogation.*— When any person is arrested and interrogated by the police, he shall be entitled to meet an advocate of his choice during interrogation, though not throughout interrogation.”.

7. *Amendment of section 46.*— In section 46 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that where a woman is to be arrested, unless the circumstances indicate to the contrary, her submission to custody on an oral intimation of arrest shall be presumed and, unless the circumstances otherwise require or unless the police officer is a female, the police officer shall not touch the person of the woman for making her arrest.”.

8. *Substitution of new section for section 54.*— For section 54 of the principal Act, the following section shall be substituted, namely:—

"54. *Examination of arrested person by medical officer.*— (1) When any person is arrested, he shall be examined by a medical officer in the service of Central or State Government, and in case the medical officer is not available, by a registered medical practitioner soon after the arrest is made:

Provided that where the arrested person is a female, the examination of the body shall be made only by or under the supervision of a female medical officer, and in case the female medical officer is not available, by a female registered medical practitioner.

(2) The medical officer or a registered medical practitioner so examining the arrested person shall prepare the record of such examination, mentioning therein any injuries or marks of violence upon the person arrested, and the approximate time when such injuries or marks may have been inflicted.

(3) Where an examination is made under sub-section (1), a copy of the report of such examination shall be furnished by the medical officer or registered medical practitioner, as the case may be, to the arrested person or the person nominated by such arrested person."

9. *Insertion of new section 55A.*— After section 55 of the principal Act, the following section shall be inserted, namely:—

"55A. *Health and safety of arrested person.*— It shall be the duty of the person having the custody of an accused to take reasonable care of the health and safety of the accused."

10. *Insertion of new section 60A.*— After section 60 of the principal Act, the following section shall be inserted, namely:—

"60A. *Arrest to be made strictly according to the Code.*— No arrest shall be made except in accordance with the provisions of this Code or any other law for

the time being in force providing for arrest."

11. *Amendment of section 157.*— In section 157 of the principal Act, in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

"Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality."

12. *Amendment of section 161.*— In section 161 of the principal Act, in sub-section (3), the following provisos shall be inserted, namely:—

"Provided that statement made under this sub-section may also be recorded by audio-video electronic means."

13. *Amendment of section 164.*— In section 164 of the principal Act, in sub-section (1), for the proviso, the following provisos shall be substituted, namely:—

"Provided that any confession or statement made under this sub-section may also be recorded by audio-video electronic means in the presence of the advocate of the person accused of an offence:

Provided further that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force."

14. *Amendment of section 167.*— In section 167 of the principal Act, in sub-section (2),—

(a) in the proviso,—

(i) for clause (b), the following clause shall be substituted, namely:—

“(b) no Magistrate shall authorise detention of the accused in custody of the police under this section unless the accused is produced before him in person for the first time and subsequently every time till the accused remains in the custody of the police, but the Magistrate may extend further detention in judicial custody on production of the accused either in person or through the medium of electronic video linkage;”;

(ii) for *Explanation II*, the following *Explanation* shall be substituted, namely:—

“*Explanation II*.— If any question arises whether an accused person was produced before the Magistrate as required under clause (b), the production of the accused person may be proved by his signature on the order authorising detention or by the order certified by the Magistrate as to production of the accused person through the medium of electronic video linkage, as the case may be.”;

(b) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that in case of a woman under eighteen years of age, the detention shall be authorised to be in the custody of a remand home or recognised social institution.”.

15. *Amendment of section 172*.— In section 172 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) The statements of witnesses recorded during the course of investigation under section 161 shall be inserted in the case diary.

(1B) The diary referred to in sub-section (1) shall be a volume and duly paginated.”.

16. *Amendment of section 173*.— In section 173 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The investigation in relation to rape of a child may be completed within three months from the date on which the information was recorded by the officer in charge of the police station.”;

(b) in sub-section (2), after clause (g), the following clause shall be inserted, namely:—

“(h) whether the report of medical examination of the woman has been attached where investigation relates to an offence under sections 376, 376A, 376B, 376C or 376D of the Indian Penal Code.”. 45 of 1860.

17. *Insertion of new section 195A*.— After section 195 of the principal Act, the following section shall be inserted, namely:—

“195A. *Procedure for witnesses in case of threatening, etc.*— A witness or any other person may file a complaint in relation to an offence under section 195A of the Indian Penal Code.”. 45 of 1860.

18. *Amendment of section 198*.— In section 198 of the principal Act, in sub-section (6), for the words “fifteen years of age”, the words “eighteen years of age” shall be substituted.

19. *Amendment of section 242*.— In section 242 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that the Magistrate shall supply in advance to the accused, the statement of witnesses recorded during investigation by the police.”.

20. *Amendment of section 275.*— In section 275 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that evidence of a witness under this sub-section may also be recorded by audio-video electronic means in the presence of the advocate of the person accused of the offence.”.

21. *Amendment of section 309.*— In section 309 of the principal Act,—

(a) in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that when the inquiry or trial relates to an offence under sections 376 to 376D of the Indian Penal Code, ^{45 of 1860.} the inquiry or trial shall, as far as possible, be completed within a period of two months from the date of commencement of the examination of witnesses.”;

(b) in sub-section (2), after the third proviso and before *Explanation I*, the following ^{45 of 1860.} proviso shall be inserted, namely:—

“Provided also that—

(a) no adjournment shall be granted at the request of a party, except where

the circumstances are beyond the control of that party;

(b) the fact that the pleader of a party is engaged in another Court, shall not be a ground for adjournment;

(c) where a witness is present in Court but a party or his pleader is not present or the party or his pleader though present in Court, is not ready to examine or cross-examine the witness, the Court may, if thinks fit, record the statement of the witness and pass such orders as it thinks fit dispensing with the examination-in-chief or cross-examination of the witness, as the case may be.”.

22. *Amendment of section 313.*— In section 313 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) The Court may take help of Prosecutor and Defence Counsel in preparing relevant questions which are to be put to the accused and the Court may permit filing of written statement by the accused as sufficient compliance of this section.”.

23. *Amendment of section 320.*— In section 320 of the principal Act,—

(i) in sub-section (1), for the TABLE, the following TABLE shall be substituted, namely:—

“TABLE

Offence	Section of the Indian Penal Code applicable	Person by whom offence may be compounded
1	2	3
Uttering words, etc., with deliberate intent to wound the religious feelings of any person.	298	The person whose religious feelings are intended to be wounded.
Voluntarily causing hurt.	323	The person to whom the hurt is caused.
Voluntarily causing hurt on provocation.	334	Ditto.

1	2	3
Voluntarily causing grievous hurt on grave and sudden provocation.	335	Ditto.
Wrongfully restraining or confining any person.	341, 342	The person restrained or confined.
Wrongfully confining a person for three days or more.	343	The person confined.
Wrongfully confining a person for ten days or more.	344	Ditto.
Wrongfully confining a person in secret.	346	Ditto.
Assault or use of criminal force.	352, 355, 358	The person assaulted or to whom criminal force is used.
Theft.	379	The owner of the property stolen.
Dishonest misappropriation of property.	403	The owner of the property misappropriated.
Criminal breach of trust by a carrier, wharfinger, etc.	407	The owner of the property in respect of which the breach of trust has been committed.
Dishonestly receiving stolen property knowing it to be stolen.	411	The owner of the property stolen.
Assisting in the concealment or disposal of stolen property, knowing it to be stolen.	414	Ditto.
Cheating.	417	The person cheated.
Cheating by personation.	419	Ditto.
Fraudulent removal or concealment of property, etc., to prevent distribution among creditors.	421	The creditors who are affected thereby.
Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	422	Ditto.
Fraudulent execution of deed of transfer containing false statement of consideration.	423	The person affected thereby.
Fraudulent removal or concealment of property.	424	Ditto.
Mischief, when the only loss or damage caused is loss or damage to a private person.	426, 427	The person to whom the loss or damage is caused.
Mischief by killing or maiming animal	428	The owner of the animal.
Mischief by killing or maiming cattle, etc.	429	The owner of the cattle or animal.
Mischief by injury to works of irrigation by wrongfully diverting water when the only loss or damage caused is loss or damage to private person.	430	The person to whom the loss or damage is caused.

1	2	3
Criminal trespass	447	The person in possession of the property trespassed upon.
House-trespass.	448	Ditto.
House-trespass to commit an offence (other than theft) punishable with imprisonment.	451	The person in possession of the house trespassed upon.
Using a false trade or property mark.	482	The person to whom loss or injury is caused by such use.
Counterfeiting a trade or property mark used by another.	483	Ditto.
Knowingly selling or exposing or possessing for sale or for manufacturing purpose, goods marked with a counterfeit property mark.	486	Ditto.
Criminal breach of contract of service	491	The person with whom the offender has contracted.
Adultery.	497	The husband of the woman.
Enticing or taking away or detaining with criminal intent a married woman.	498	The husband of the woman and the woman.
Defamation, except such cases as are specified against section 500 of the Indian Penal Code (45 of 1860) in column 1 of the Table under sub-section (2).	500	The person defamed.
Printing or engraving matter, knowing it to be defamatory.	501	Ditto.
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	502	Ditto.
Insult intended to provoke a breach of the peace.	504	The person insulted.
Criminal intimidation.	506	The person intimidated.
Inducing person to believe himself an object of divine displeasure.	508	The person induced.";

(ii) in sub-section (2), for the TABLE the following TABLE shall be substituted, namely:—

“TABLE

Offence	Section of the Indian Penal Code applicable	Person by whom offence may be compounded
1	2	3
Causing miscarriage.	312	The woman to whom miscarriage is caused.
Voluntarily causing grievous hurt.	325	The person to whom hurt is caused.

1	2	3
Causing hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.	337	Ditto.
Causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.	338	Ditto.
Assault or criminal force in attempting wrongfully to confine a person.	357	The person assaulted or to whom the force was used.
Theft, by clerk or servant of property in possession of master.	381	The owner of the property stolen.
Criminal breach of trust	406	The owner of property in respect of which breach of trust has been committed.
Criminal breach of trust by a clerk or servant.	408	The owner of the property in respect of which the breach of trust has been committed.
Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	418	the person cheated.
Cheating and dishonestly inducing delivery of property or the making, alteration or destruction of a valuable security.	420	The person cheated.
Marrying again during the life-time of a husband or wife.	494	The husband or wife of the person so marrying.
Defamation against the President or the Vice-President or the Governor of a State or the Administrator of a Union territory or a Minister in respect of his public functions when instituted upon a complaint made by the Public Prosecutor.	500	The person defamed.
Uttering words or sounds or making gestures or exhibiting any object intending to insult the modesty of a woman or intruding upon the privacy of a woman.	509	The woman whom it was intended to insult or whose privacy was intruded upon.”;

(iii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) When an offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) or where the accused is liable under sections 34 or 149 of the Indian Penal Code may be 45 of 1860. compounded in like manner.”.

24. *Amendment of section 327.*— In section 327 of the principle Act,—

(a) in sub-section (2), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that *in camera* trial shall be conducted as far as practicable by a woman Judge or Magistrate.”;

(b) in sub-section (3), the following proviso shall be inserted, namely:—

“Provided that the ban on printing or publication of trial proceedings in relation to an offence of rape may be lifted, subject to maintaining confidentiality of name and address of the parties.”.

25. *Amendment of section 328.*— In section 328 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) If the civil surgeon finds the accused to be of unsound mind, he shall refer such person to a psychiatrist or clinical psychologist for care, treatment and prognosis of the condition and the psychiatrist or clinical psychologist, as the case may be, shall inform the Magistrate whether the accused is suffering from unsoundness of mind or mental retardation:

Provided that if the accused is aggrieved by the information given by the psychiatric or clinical psychologist, as the case may be, to the Magistrate, he may prefer an appeal before the Medical Board which shall consist of—

(a) head of psychiatry unit in the nearest government hospital; and

(b) a faculty member in psychiatry in the nearest medical college.”;

(b) for sub-section (3), the following sub-sections shall be substituted, namely:—

“(3) If such Magistrate is informed that the person referred to in sub-section (1A) is a person of unsound mind, the Magistrate shall further determine whether the unsoundness of mind renders the accused incapable of entering defence and if the accused is found so incapable, the Magistrate shall record a finding to that effect, and shall examine the record of evidence produced by the prosecution and after hearing the advocate of the accused but

without questioning the accused, if he finds that no *prima facie* case is made out against the accused, he shall, instead of postponing the enquiry, discharge the accused and deal with him in the manner provided under section 330:

Provided that if the Magistrate finds that a *prima facie* case is made out against the accused in respect of whom a finding of unsoundness of mind is arrived at, he shall postpone the proceeding for such period, as in the opinion of the psychiatrist or clinical psychologist, is required for the treatment of the accused, and order the accused to be dealt with as provided under section 330.

(4) If such Magistrate is informed that the person referred to in sub-section (1A) is a person with mental retardation, the Magistrate shall further determine whether the mental retardation renders the accused incapable of entering defence, and if the accused is found so incapable, the Magistrate shall order closure of the inquiry and deal with the accused in the manner provided under section 330.”.

26. *Amendment of section 329.*— In section 329 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) If during trial, the Magistrate or Court of Sessions finds the accused to be of unsound mind, he or it shall refer such person to a psychiatrist or clinical psychologist for care and treatment, and the psychiatrist or clinical psychologist, as the case may be shall report to the Magistrate or Court whether the accused is suffering from unsoundness of mind:

Provided that if the accused is aggrieved by the information given by the psychiatric or clinical psychologist,

as the case may be, to the Magistrate, he may prefer an appeal before the Medical Board which shall consist of—

(a) head of psychiatry unit in the nearest government hospital; and

(b) a faculty member in psychiatry in the nearest medical college.”;

(b) for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) If such Magistrate or Court is informed that the person referred to in sub-section (1A) is a person of unsound mind, the Magistrate or Court shall further determine whether unsoundness of mind renders the accused incapable of entering defence and if the accused is found so incapable, the Magistrate or Court shall record a finding to that effect and shall examine the record of evidence produced by the prosecution and after hearing the advocate of the accused but without questioning the accused, if the Magistrate or Court finds that no *prima facie* case is made out against the accused, he or it shall, instead of postponing the trial, discharge the accused and deal with him in the manner provided under section 330:

Provided that if the Magistrate or Court finds that a *prima facie* case is made out against the accused in respect of whom a finding of unsoundness of mind is arrived at, he shall postpone the trial for such period, as in the opinion of the psychiatrist or clinical psychologist, is required for the treatment of the accused.

(3) If the Magistrate or Court finds that a *prima facie* case is made out against the accused and he is incapable of entering defence by reason of mental retardation, he or it shall not hold the trial and order the accused to be dealt with in accordance with section 330.”.

27. *Substitution of new section for section 330.*— For section 330 of the principal Act, the following section shall be substituted, namely:—

“330. *Release of person of unsound mind pending investigation or trial.*— (1) Whenever a person is found under section 328 or section 329 to be incapable of entering defence by reason of unsoundness of mind or mental retardation, the Magistrate or Court, as the case may be shall, whether the case is one in which bail may be taken or not, order release of such person on bail:

Provided that the accused is suffering from unsoundness of mind or mental retardation which does not mandate in-patient treatment and a friend or relative undertakes to obtain regular out-patient psychiatric treatment from the nearest medical facility and to prevent from doing injury to himself or to any other person.

(2) If the case is one in which, in the opinion of the Magistrate or Court, as the case may be, bail cannot be granted or if an appropriate undertaking is not given, he or it shall order the accused to be kept in such a place where regular psychiatric treatment can be provided, and shall report the action taken to the State Government:

Provided that no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the State Government may have made under the Mental Health Act, 1987.

14 of 1987.

(3) Whenever a person is found under section 328 or section 329 to be incapable of entering defence by reason of unsoundness of mind or mental retardation, the Magistrate or Court, as the case may be, shall keeping in view the nature of the

act committed and the extent of unsoundness of mind or mental retardation, further determine if the release of the accused can be ordered:

Provided that—

(a) if on the basis of medical opinion or opinion of a specialist, the Magistrate or Court, as the case may be, decide to order discharge of the accused, as provided under section 328 or section 329, such release may be ordered, if sufficient security is given that the accused shall be prevented from doing injury to himself or to any other person;

(b) if the Magistrate or Court, as the case may be, is of opinion that discharge of the accused cannot be ordered, the transfer of the accused to a residential facility for persons of unsound mind or mental retardation may be ordered wherein the accused may be provided care and appropriate education and training.”.

28. *Insertion of new section 357A.*— After section 357 of the principal Act, the following section shall be inserted, namely:—

“357A. *Victim compensation scheme.*—

(1) Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.

(2) Whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded under the scheme referred to in sub-section (1).

(3) If the trial Court, at the conclusion of the trial, is satisfied, that the compensation

awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make recommendation for compensation.

(4) Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation.

(5) On receipt of such recommendations or on the application under sub-section (4), the State or the District Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months.

(6) The State or the District Legal Services Authority, as the case may be, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer in charge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit.”.

29. *Amendment of section 372.*— In section 372 of the principal Act, the following proviso shall be inserted, namely:—

“Provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court.”.

30. *Amendment of section 416.*— In section 416 of the principal Act, the words “order the execution of the sentence to be postponed, and may, if it thinks fit” shall be omitted.

31. *Insertion of new section 437A.*— After section 437 of the principal Act, the following section shall be inserted, namely:—

“437A. *Bail to require accused to appear before next appellate Court.*— (1) Before conclusion of the trial and before disposal of the appeal, the Court trying the offence or the Appellate Court, as the case may be, shall require the accused to execute bail bonds with sureties, to appear before the higher Court as and when such Court issues notice in respect of any appeal or petition filed against the judgment of the respective Court and such bail bonds shall be in force for six months.

(2) If such accused fails to appear, the bond stand forfeited and the procedure under section 446 shall apply.”.

32. *Amendment of Form 45.*— In the Second Schedule to the principal Act, in Form No. 45, after the figures “437”, the figures and letter “437A” shall be inserted.



Law (Establishment) Division



Notification

9-18-2004-LD(Estt.) Part II

The Notification No. GSR 114(E) dated 24-2-2009 issued by the Government of India, Ministry of Law & Justice, Department of Legal Affairs and published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), is hereby published for general information of the public.

N. P. Singnapurker, Under Secretary, Law (Estt.).

Porvorim, 12th August, 2009.

MINISTRY OF LAW AND JUSTICE

Department of Legal Affairs

New Delhi, the 24th February, 2009.

Notification

G.S.R. 114(E).— In exercise of the powers conferred by Section 15 of the Notaries Act, 1952 (53 of 1952), the Central Government hereby makes the following rules further to amend the Notaries Rules, 1956, namely:—

1. (1) These rules may be called the Notaries (Amendment) Rules, 2009.

(2) They shall come into force on the 1st day of March, 2009.

2. In rule 4 of the Notaries Rules, 1956 (hereinafter referred to as the said rules), for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) a person may make an application for appointment as a notary (hereinafter called “the applicant”), through the concerned District Judge or the Presiding Officer of the Court or Tribunal where he practises as an Advocate, in the Form of memorial addressed to such officer or Authority (hereinafter referred to as the “competent authority”) of the appropriate Government as that Government may, by notification in the Official Gazette, designate in this behalf.”;

3. In rule 6 of the said rules, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) the competent authority shall examine every application received by him and if he is satisfied that the application is not complete in all respects or the applicant does not possess the qualifications specified in rule 3, or that any previous application of the applicant for appointment as a

notary was rejected within six months before the date of the application, shall reject it summarily and inform the applicant accordingly.”;

4. In rule 7 of the said rules, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) the competent authority shall, after holding such inquiry as he thinks fit and after giving the applicant an opportunity of making his representations against the objections, if any, received within the time fixed under sub-rule (2) of rule 6, make a report to the appropriate Government recommending that the applicant may be allowed to appear before the Interview Board.”;

5. After rule 7 of the said rules, the following rules shall be inserted, namely:—

“7A. *Constitution of the Interview Board.*— (1) If the appropriate Government allows that the applicant may be asked to appear before the Interview Board, the competent authority shall inform the applicant to appear before the Interview Board, on the date, time and place fixed, to judge the competency of the applicant for being appointed as a Notary. The Interview Board shall submit its recommendations to the appropriate Government.

(2) For the said purpose, a three members Interview Board shall be constituted by the appropriate Government from amongst its officers dealing with legal matters. The Chairperson of the Interview Board shall not be an officer below the rank of Joint Secretary of that Government.

7B. *Transitional provision.*— (1) All the memorials received by the Competent Authority till 28th February, 2009 and which are pending shall be processed/ examined in accordance with the

provisions of the rules as amended by the Notaries (Amendment) Rules, 2009.;

(2) The fresh memorials shall only be submitted on or after 1st July, 2009.”

6. In rule 8 of the said rules, in sub-rule (1), for the words, “On receipt of the report of the Competent Authority the appropriate Government shall consider the report and shall—”, the words, “On receipt of the recommendations of the interview board the appropriate Government shall consider the recommendation and shall—.”

[F. No. 5 (271)/2000-NC]

R. RAGUPATHI, Jt. Secy.

Note:— The principal Rules were published in the Gazette of India, Part II, Section 3, Sub-section (i) *vide* number S.R.O. 324 dated the 14th February, 1956 and subsequently amended by G.S.R. 370(E) dated the 8th July, 1997, G.S.R. 547(E) dated the 31st August, 1998, G.S.R. 17(E) dated the 5th January, 2000, G.S.R. 262(E) dated the 28th March, 2000, G.S.R. 630(E) dated the 21st July, 2000, G.S.R. 172(E) dated the 12th March, 2001, G.S.R. 330(E) dated the 9th May, 2001, G.S.R. 460(E) dated the 25th June, 2001, G.S.R. 464(E) dated the 9th June, 2003, G.S.R. 464(E) dated the 9th June, 2003, G.S.R. 296(E) dated the 19th May, 2006, G.S.R. 501(E) dated the 24th August, 2006, G.S.R. 73(E) dated the 9th February, 2007, G.S.R. 86(E) dated the 14th February, 2007, G.S.R. 319(E) dated the 1st May, 2007, read with G.S.R. 330(E) dated the 8th May, 2007, G.S.R. 686(E) dated the 31st October, 2007, G.S.R. 51(E) dated the 23rd January, 2008, and G.S.R. 636(E) dated the 3rd September, 2008 and G.S.R. 764(E) dated the 3rd November, 2008.



Department of Public Health

—

Order

35/49/2002-I/PHD

Sanction of the Government is hereby accorded for revision of diet rates of patients

admitted in the Hospital under the control of the Directorate of Health Services as under:

Sr. No.	Hospital Concerned	Present Rate	Revised Rate
1.	Asilo Hospital, Mapusa Hospicio Hospital, Margao Primary Health Centres, Community Health Centres and Upgraded Primary Health Centre, T. B. Hospital, Margao Leprosy Hospital, Macazana.	Rs. 20/- per patient per day	Rs. 50/-

The revised rates shall be applicable from 01-08-2009.

This issues with concurrence of Finance (Exp.) Department vide their U. O. No. 551 dated 07-07-2009.

By order and in the name of the Governor of Goa.

Maria J. R. Pires, Under Secretary (Health-II).

Porvorim, 6th August, 2009.

Order

48/30/2008-I/PHD

Sanction of the Government is hereby conveyed for creation of 64 posts of MPHW (F) and 64 posts of Patient Attendants one each for 64 new sub-centres under various PHCs/CHCs under NRHM of Directorate of Health Services.

The salary component of MPHW (F) shall be borne by the Central Government whereas of Patient Attendant shall be borne by the State Government.

The details of 64 new sub-centres are as follows:—

- | | |
|-----------------|-----------------------------|
| 1. CHC Canacona | ... 1. Talpan |
| 2. CHC Pernem | ... 1. Morgim
2. Mandrem |

- | | |
|------------------|---|
| 3. CHC Ponda | ... 1. Dhavali
2. Prabhunagar
3. Shahapur
4. Kurti Haveli
5. Panditwada
6. Durgabhat |
| 4. CHC Valpoi | ... 1. Veluz
2. Kumthal
3. Velguem
4. Nagargao (Ustem)
5. Birondem |
| 5. CHC Curchorem | ... 1. Cacora |
| 6. CHC Chicalim | ... 1. Sao Jacinto Island
2. Chicolna
3. Sancoale Zuari
Nagar Birla
4. Dabolim
5. Zuarinagar Zorint |
| 7. PHC Bicholim | ... 1. Sarvona
2. Bicholim Part
(Bordem)
3. Latambarcem
4. Sal |
| 8. PHC Sanquelim | ... 1. Viridi
2. Keri
3. Morlem Colony
4. Surla (Satari)
5. Honda
6. Pissurlem
7. Surla (Pale)
8. Velguem Pale
9. Pale (Bhamai) |
| 9. PHC Siroda | ... 1. Vazem |
| 10. PHC Quepem | ... 1. Gudi Paroda |
| 11. PHC Candolim | ... 1. Candolim
2. Verem-Betim
3. Pilerne |
| 12. PHC Corlim | ... 1. Corlim (Mangado) |
| 13. PHC Siolim | ... 1. Anjuna Part II |
| 14. PHC Colvale | ... 1. Sirsaim |
| 15. PHC Curtorim | ... 1. Sao Jose De Areal II |

16. PHC Loutulim	... 1. Manora 2. Rumbdem Nuvem	22. PHC Tisk Usgao	... 1. Usgao (Tisk) 2. Dhaushire 3. Ganjem 4. Nanus
17. PHC Cortalim	... 1. Nagoa and Benaulim		
18. PHC Maem	... 1. Narva	23. PHC Navelim	1. Talaulim 2. Dikar Pal
19. PHC Taleigao	... 1. Santa Cruz-I (Segundo Bairro) 2. Santa Cruz-II (Cujira) 3. Nagali	24. PHC Chimbel	... 1. Chimbel (PHC) 2. Diwar (Island)
20. PHC Porvorim	1. Penha de France Part II 2. Penha de France Part III 3. Socorro (Porvorim)	This issues with the concurrence of the Finance (R&C) Deptt. vide their U. O. No. Fin/ /R&C/3617/2009 dated 03-07-2009.	
		By order and in the name of the Governor of Goa.	
21. PHC Calangute	... 1. Calangute Part II 2. Calangute Part III	D. G. Sardessai, Joint Secretary (Health). Porvorim, 7th August, 2009.	

www.goagovt.nic.in/gazette.htm

GOVERNMENT PRINTING PRESS,
PANAJI-GOA.

PRICE – Rs. 18.00